

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14/6/2021

C O R A M

**THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR**

O.A.No.320 of 2021

EDAC Engineering Ltd  
rep. By its Asst Manager – Legal  
88 Mount Road  
Guindy  
Chennai 600 032.

..... Applicant

Vs

1. Industrial Fans (India) Pvt Ltd  
rep. By its Managing Director  
Mr.C.Arunagiri  
Nellikuppam High Road  
Karayambedu Village  
Guduvancherry  
Chengalpattu Taluk  
Kanchipuram District.

2. The Branch Manager  
State Bank of India  
Trade Finance CPC  
No.157 Anna Salai  
Chennai 600 008.

... Respondents

Prayer: Petition filed under Order XIV Rule 8 of Original Side Rules read with Section 9 of Arbitration and Conciliation Act, 1996, to grant an injunction restraining the respondents from revoking the Advance Bank Guarantees No.0505615BG0007765, dated 20/4/2015, for a sum of Rs.21,65,079/- (Rupees Twenty one lakhs sixty five thousand and seventy nine only) and ABG No.0505615BG0007833, dated 28/4/2015, for a sum of Rs.65,47,018/- (Rupees Sixty five thousand forty seven thousand and eighteen only) and ABG No.0505617BG0014442, dated 30/12/2017, for a sum of Rs.30,00,000/- (Rupees Thirty lakhs only) issued by the second respondent and Performance Guarantees PBG No.0505615BG0007834, dated 28/4/2015, for a sum of Rs.77,50,000/- (Rupees Seventy Seven lakhs fifty thousand only) and PBG No.0505615BG0007766 dated 20/4/2015 for a sum of Rs.77,50,000/- (Rupees Seventy Seven lakhs fifty thousand only) issued by the second respondent, pending the receipt of the final award passed by the Arbitrator.

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For petitioner

...

Mr.R.Rathidevi

For respondents

...

Mr.J.Nandagopal  
for R.1.

ORDER

This Original Application has been filed to grant an injunction, restraining the respondents from revoking the Advance Bank Guarantees No.0505615BG0007765, dated 20/4/2015, for a sum of Rs.21,65,079/- (Rupees Twenty one lakhs sixty five thousand and seventy nine only) and ABG No.0505615BG0007833, dated 28/4/2015, for a sum of Rs.65,47,018/- (Rupees Sixty five thousand forty seven thousand and eighteen only) and ABG No.0505617BG0014442, dated 30/12/2017, for a sum of Rs.30,00,000/- (Rupees Thirty lakhs only), issued by the second respondent and Performance Guarantees PBG No.0505615BG0007834, dated 28/4/2015, for a sum of Rs.77,50,000/- (Rupees Seventy Seven lakhs fifty thousand only) and PBG No.0505615BG0007766 dated 20/4/2015 for a sum of Rs.77,50,000/- (Rupees Seventy Seven lakhs fifty thousand only) issued by the second respondent, pending the receipt of the final award passed by the Arbitrator.

2. Today, when the matter was taken up for hearing, through Video Conferencing, a counter affidavit was filed by Mr.J.Nandagopal, learned counsel appearing for the first respondent. Relying on the counter affidavit,

the learned counsel appearing for the first respondent would submit that the final award, dated 30/4/2021, passed in Arbitration Proceeding No.5/2018, by the sole Arbitrator, the Hon'ble Mr.Justice F.M.Ibrahim Kalifulla, Former Supreme Court Judge, has become final and till date, as against the said award, the applicant has not filed any Appeal, under Section 34 of the Arbitration and Conciliation Act 1996. Therefore, the present Original Application is not at all maintainable and the same is liable to be dismissed.

3. In view of the submission made by the learned counsel appearing for the first respondent, this Court is of the considered view that nothing survives for further adjudication in this matter.

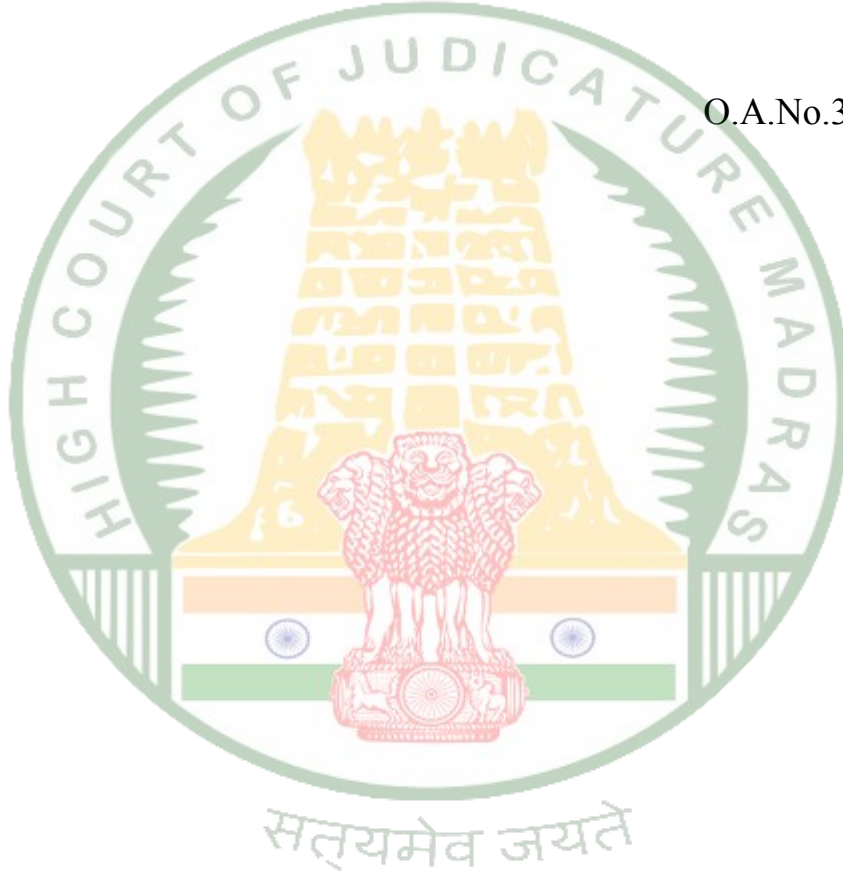
4. Accordingly, this Original Application is closed.

14/6/2021

Index: Yes/ No  
Internet: Yes/No  
Speaking Order/Non-speaking Order  
mvs.

**N.SATHISH KUMAR,J**

mvs.



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